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La Unica International Sonora Santanera, S. DE. R.L.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LA UNICA INTERNATIONAL SONORA
SANTANERA, S. DE. R.L, a Mexico
corporation,

Case No.

COMPLAINT

DEMAND FOR JURY TRIAL

vs.

YOLANDA ALMAZAN ORTIZ, an individual; NORMA YOLANDA COLORADO ALMAZAN, an individual; GILBERTO NAVARRETE JIMENEZ, an individual; RONY OSORIO, an individual; MARIA FERNANDA ALVO DIAZ, an individual; MALU ELIZONDO, an individual; and DOES 1 through 20, inclusive,

Defendants.

Plaintiff La Unica International Sonora Santanera, S. De. R.L (“La Unica”) hereby complains of Yolanda Almazan Ortiz, Norma Yolanda Colorado Almazan, Gilberto Navarrete Jimenez, Rony Osorio, Maria Fernanda Alvo Diaz, Malu Elizondo, and Does 1 through 20, inclusive (collectively “Defendants”) and alleges as follows:

I. JURISDICTION AND VENUE

1. This is an action for (1) trademark infringement under 15 U.S.C. § 1114, (2) contributory trademark infringement under 15 U.S.C. § 1114, (3) trademark infringement and false designation of origin under 15 U.S.C. § 1125(a), (4) trademark dilution under 15 U.S.C. 1125(c), (5) unfair competition under California Business & Professions Code §§ 17200, et seq., and (6) unfair competition under California common law.

8 2. The Court has original subject matter jurisdiction over the claims that
9 relate to trademark infringement and false designation of origin pursuant to 15 U.S.C.
10 §§ 1116 and/or 1121(a) and also pursuant to 28 U.S.C. §§ 1331 and 1338, as these
11 claims arise under the laws of the United States.

12 3. The Court has original and supplemental jurisdiction over the claims in
13 this Complaint that arise under state statutory and common law pursuant to 28 U.S.C.
14 §§ 1338(b) and 1367(a), because the state law claims are so related to the federal
15 claims that they form part of the same case or controversy and derive from a common
16 nucleus of operative facts.

17 4. This Court has personal jurisdiction over Defendants because Defendants
18 have a continuous systematic, and substantial relevant presence throughout the United
19 States in multiple judicial districts including within this District and within California.
20 Upon information and belief, Defendants license, sell and/or advertise their music
21 products bearing the infringing marks to consumers across the United States and in
22 California including within this District, perform live music across the United States
23 and within the District under the infringing marks, and ship their products bearing the
24 infringing marks across the United States and to California including within this
25 District. More specifically, Defendants market and advertise their music products and
26 performance services online in connection with the infringing marks through the
27 various URLs which are available and accessible in California and this District.
28 Likewise, Defendants market and advertise their products and performance services

1 on social media through their Instagram accounts, Facebook profiles, ticket sales
2 platform profiles, and other social media, which are accessible in California and this
3 District. By committing acts of trademark infringement, false designation of origin,
4 contributory trademark infringement, trademark dilution, and unfair competition in
5 this District, including, but not limited to, by using infringing marks in connection
6 with the advertisement, marketing, promotion, sale, and offer for sale of goods to
7 customers in this District, Defendants' acts form a substantial part of the events or
8 omissions giving rise to La Unica's claims.

9 5. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(3) and
10 (c)(3) at least because Defendants are not believed to be residents of the United States,
11 and by virtue of being subject to personal jurisdiction within the District.

II. THE PARTIES

13 6. La Unica is a corporation organized and existing under the laws of
14 Mexico, having a principal place of business at Constantino No. 120 Esq. Leon
15 Caballo, Mexico City, Mexico 070870.

16 7. La Unica is informed and believes, and based thereon alleges that
17 Defendants are individuals residing in Mexico and/or the United States, and own or
18 control private companies organized and existing under the laws of Mexico and/or the
19 United States, and in relevant part have contact within the United States through music
20 record sales and distributions therein, as well as music performances therein.

21 8. The true names and capacities of Defendants sued herein as Does 1
22 through 20, inclusive, are unknown at this time to La Unica, and La Unica therefore
23 sues said Defendants by fictitious names pursuant to section 474 of the California
24 Code of Civil Procedure. Plaintiff will amend this Complaint to allege the true names
25 and capacities of the Defendants when the same have been ascertained. La Unica is
26 informed and believes, and based thereon alleges, that each of the Defendants is
27 responsible in some manner for the occurrences, acts and omissions alleged herein,
28 and that La Unica's damages would have been, and will be, proximately caused by

1 their conduct.

2 9. In doing the acts and things described below, La Unica is informed and
3 believes, and based thereon alleges, that Defendants, and each of them, were the
4 agents, employees, partners, joint venturers, co-conspirators, owners, principals,
5 and/or employers of the remaining Defendants, and each of them, and are, and at all
6 times herein mentioned were, acting within the course and scope of that agency,
7 employment, partnership, conspiracy, ownership or joint venture. La Unica is further
8 informed and believes, and based thereon alleges, that the acts and things described
9 below were known to, authorized and/or ratified by the officers, directors, and
10 managing agents of Defendants, and each of them.

11 **III. GENERAL ALLEGATIONS**

12 10. La Unica is a successful music performance group that is the successor
13 in interest to the rights in and to the SONORA SANTANERA mark. La Unica has
14 been performing in the United States continuously under that mark for many years.
15 La Unica has full rights to the mark and has obtained a trademark registration in the
16 United States in and to the mark. The band members that are part of La Unica have
17 been using the mark in commerce in the United States since at least as late as 1985
18 when records were recorded and distributed in Mexico and the United States. They
19 have numerous records released under the mark, perform shows under the mark, and
20 have extensively advertised and monetized the mark in connection with their music
21 stylings in the United States.

22 11. La Unica owns by prior assignment U.S. Trademark Registration No.
23 3,575,958 (the “958 Registration”) for the SONORA SANTANERA Mark. Attached
24 hereto as **Exhibit 1** is a true and correct copy of the '958 Registration, which is
25 incorporated by reference.

26 12. La Unica also has obtained national state-based common law rights in
27 the SONORA SANTANERA Mark by virtue of its continuous and extensive usage,
28 marketing, and advertising throughout each state in the United States, as well as its

1 acquisition through assignment of all prior use rights in and to the Mark.

2 13. As a result of La Unica's long, continuous, extensive and exclusive use
3 of the SONORA SANTANERA Mark, as well as its marketing, promotion, and sale
4 of its music records, the relevant public has come to recognize the SONORA
5 SANTANERA Mark as identifying goods and services that originate from or are
6 otherwise associated exclusively with La Unica and its band members. La Unica has
7 spent enormous time, effort, and expense to create valuable goodwill in the SONORA
8 SANTANERA Mark.

9 14. After La Unica's extensive usage of and rights in and to the mark in the
10 United States began, and after it obtained its '958 Registration in connection with its
11 music sales and performances, Defendants used the mark SONORA SANTANERA
12 and modified versions thereof in connection with their music licensing, sales and
13 performances in the United States.

14 15. Defendants are not affiliated with La Unica. La Unica has never given
15 any of the Defendants license, permission or authority to use or display the SONORA
16 SANTANERA Mark or any similar mark.

17 16. Upon information and belief, Yolanda Almazan Ortiz, Norma Yolanda
18 Colorado Almazan, and Gilberto Navarrete Jimenez have engaged in a scheme to
19 license the SONORA SANTANERA Mark for use by other music performers in the
20 United States, including without limitation other Defendants, and have received
21 money for such use by the infringers.

22 17. On or around June 3, 2024, Norma Yolanda Colorado Almazan, and
23 Gilberto Navarrete Jimenez initiated a cancellation proceeding against the Plaintiff's
24 '958 Registration before the Trademark Trial and Appeal Board. That proceeding is
25 in the preliminary stages and no final determinations have yet been made by the Board
26 as of the date of filing this action.

27 18. Upon information and belief, any rights Yolanda Almazan Ortiz, Norma
28 Yolanda Colorado Almazan, or Gilberto Navarrete Jimenez assert to have in the

1 SONORA SANTANERA Mark have been extinguished by either abandonment
2 through extensive periods of non-use, or through blind licensing of the mark to other
3 music performers, including to the other Defendants.

4 19. Meanwhile, Plaintiff and its band members have used the SONORA
5 SANTANERA Mark continuously over many years as averred above, have obtained
6 trademark registration and ownership recognition in the United States and Mexico,
7 and have enforced their rights through cease-and-desist letters and this action.

8 20. Defendants have attempted to capitalize on La Unica's valuable
9 reputation and customer goodwill in the SONORA SANTANERA Mark by using
10 their confusingly similar SONORA SANTANERA marks and modifications
11 therefrom in connection with the licensing, advertisement, marketing, promotion, sale,
12 and/or offer for sale of music record sales and music performances in the United
13 States.

14 21. A common theme used by the Defendants is to use the SENORA
15 SANTANERA Mark in combination with the name of the person who is performing
16 with their music groups or who appears as a singer on their albums.

17 22. Without permission or consent from La Unica, Defendants have
18 infringed La Unica's SONORA SANTANERA Mark in interstate commerce by
19 unlawfully licensing and by advertising, marketing, promoting, selling, and/or
20 offering to sell products and services under the SONORA SANTANERA Mark and
21 confusingly similar marks modified therefrom and incorporating it therein as stated
22 above.

23 23. La Unica is informed and believes, and based thereon alleges, that
24 Defendants' actions are intended to cause confusion, mistake, or deception as to the
25 source of Defendants' music records and performance services and are intended to
26 cause consumers and potential customers to believe that Defendants' concerts and
27 records are associated with, sponsored by, originate from, or are approved by La Unica
28 or its band members, when they are not.

1 24. By virtue of the acts complained of herein, Defendants have created a
2 likelihood of injury to La Unica's business reputation and goodwill, caused a
3 likelihood of consumer confusion, mistake, and deception as to the source of, origin,
4 or relationship of Defendants' music records and music performances with La Unica,
5 and have otherwise competed unfairly with La Unica by unlawfully trading on and
6 using La Unica's SONORA SANTANERA Mark and confusingly similar marks
7 without La Unica's permission or consent.

8 25. Upon information and belief, Defendants' acts complained of herein have
9 resulted in actual consumer confusion. Customers have reached out to La Unica with
10 confusion regarding Defendants' products sold under the SONORA SANTANERA
11 Mark and confusingly similar marks derived and modified therefrom. Furthermore,
12 marketers, concert venues, and ticket sales outlets have used La Unica's name in
13 connection with performances of the Defendants or their unlawful licensees to sell
14 their music products and advertise their music performances.

15 26. Furthermore, music venues have opted to hire the United States'
16 unlawful licensees instead of La Unica for performances, because they are located
17 within the United States rather than Mexico. This has caused actual financial losses
18 for the Plaintiff.

19 27. La Unica is informed and believes, and based thereon alleges,
20 that Defendants' acts complained of herein are willful and deliberate.

21 28. Defendants expanded their licensing and respective music product
22 lines or otherwise continued to perform under the mark within the United States
23 even after receiving actual notice of La Unica's prior rights in its SONORA
24 SANTANERA Mark for music and music performances.

25 29. Defendants' acts complained of herein have damaged La Unica in
26 an amount to be determined at trial, and such damages will continue to increase
27 unless Defendants, the marketers, and concert venues hosting them, are
28 enjoined from their wrongful acts and infringement.

1 30. Defendants' acts complained of herein have caused La Unica to
2 suffer irreparable injury to its business. La Unica will suffer substantial loss of
3 goodwill and reputation unless and until Defendants are preliminarily and
4 permanently enjoined from the wrongful acts complained of herein.

5 **IV. FIRST CLAIM FOR RELIEF**

6 **(Trademark Infringement under 15 U.S.C. § 1114)**

7 **(Against All Defendants)**

8 31. La Unica hereby repeats, realleges, and incorporates by reference
9 paragraphs 1-29 of this Complaint as though fully set forth herein.

10 32. This is a claim for trademark infringement under 15 U.S.C. § 1114.

11 33. La Unica owns the valid and enforceable federally registered
12 trademark for the SONORA SANTANERA Mark, specifically the '958
13 Registration.

14 34. Defendants has used in commerce, without permission from La
15 Unica, a colorable imitation, and/or confusingly similar mark to La Unica's
16 SONORA SANTANERA Mark, which is the subject of the '958 Registration,
17 in connection with the advertising, marketing, promotion, sale, and/or offer for
18 sale of Defendants' music products and services. Such use is likely to cause
19 confusion or mistake, or to deceive.

20 35. La Unica is informed and believes, and based thereon alleges that
21 Defendants acted with the intent to trade upon La Unica's reputation and goodwill
22 built over decades by causing confusion and mistake among customers and the
23 public and to deceive the public into believing that Defendants' products are
24 associated with, sponsored by, originate from, or are approved by, La Unica or its
25 band members, when they are not.

26 36. Defendants' activities complained of herein constitute willful and
27 intentional infringement of La Unica's registered trademark.

37. La Unica is informed and believes, and based thereon alleges that Defendants had actual knowledge of La Unica's ownership and prior use of the SONORA SANTANERA Mark in the United States, and that Defendants have willfully infringed La Unica's trademark rights under 15 U.S.C. § 1114.

38. Defendants, by their actions, have damaged La Unica in an amount to be determined at trial.

39. Defendants, by their actions, have irreparably injured La Unica. Such irreparable injury will continue unless Defendants are preliminarily and permanently enjoined by this Court from further violating La Unica's rights, for which La Unica has no adequate remedy at law.

V. SECOND CLAIM FOR RELIEF

(Contributory Trademark Infringement under 15 U.S.C. § 1114)

(Against Defendants Yolanda Almazan Ortiz, Norma Yolanda Colorado Almazan, and Gilberto Navarrete Jimenez)

40. La Unica hereby repeats, realleges, and incorporates by reference paragraphs 1-39 of this Complaint as though fully set forth herein.

41. This is a claim for contributory trademark infringement under 15 U.S.C. § 1114.

42. La Unica owns the valid and enforceable federally registered trademark for the SONORA SANTANERA Mark, specifically the '958 Registration.

43. Defendants Yolanda Almazan Ortiz, Norma Yolanda Colorado Almazan, and Gilberto Navarrete Jimenez have induced others to use commerce, without permission from La Unica, a colorable imitation, and/or confusingly similar mark to La Unica's SONORA SANTANERA Mark, which is the subject of the '958 Registration, in connection with the advertising, marketing, promotion, sale, and/or offer for sale of music products and services. Such use is likely to cause confusion or mistake, or to deceive.

1 44. La Unica is informed and believes, and based thereon alleges that
2 Defendants Yolanda Almazan Ortiz, Norma Yolanda Colorado Almazan, and
3 Gilberto Navarrete Jimenez acted with the intent to trade upon La Unica's
4 reputation and goodwill built over decades by causing confusion and mistake
5 among customers that products she induced to be released into commerce are
6 associated with, sponsored by, originate from, or are approved by, La Unica or its
7 band members, when they are not.

8 45. Defendants Yolanda Almazan Ortiz, Norma Yolanda Colorado
9 Almazan, and Gilberto Navarrete Jimenez's activities complained of herein
10 constitute willful and intentional contributory infringement of La Unica's
11 registered trademark.

12 46. La Unica is informed and believes, and based thereon alleges that
13 Defendants Yolanda Almazan Ortiz, Norma Yolanda Colorado Almazan, and
14 Gilberto Navarrete Jimenez had actual knowledge of La Unica's ownership and
15 prior use of the SONORA SANTANERA Mark in the United States, and that
16 Defendants Yolanda Almazan Ortiz, Norma Yolanda Colorado Almazan, and
17 Gilberto Navarrete Jimenez have willfully contributorily infringed La Unica's
18 trademark rights under 15 U.S.C. § 1114.

19 47. Defendants Yolanda Almazan Ortiz, Norma Yolanda Colorado
20 Almazan, and Gilberto Navarrete Jimenez, by their actions, have damaged La
21 Unica in an amount to be determined at trial.

22 48. Defendants Yolanda Almazan Ortiz, Norma Yolanda Colorado
23 Almazan, and Gilberto Navarrete Jimenez, by their actions, have irreparably
24 injured La Unica. Such irreparable injury will continue unless they are
25 preliminarily and permanently enjoined by this Court from further violating La
26 Unica's rights, for which La Unica has no adequate remedy at law.

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V. THIRD CLAIM FOR RELIEF
(Trademark Infringement and False Designation of Origin
Under 15 U.S.C. § 1125(a))
(Against All Defendants)

49. La Unica hereby repeats, realleges, and incorporates by reference paragraphs 1-48 of this Complaint as though fully set forth herein.

50. This is an action for trademark infringement and false designation of origin under 15 U.S.C. § 1125(a).

9 51. As a result of La Unica's widespread use and promotion of the
10 SONORA SANTANERA Mark, the mark has acquired strong secondary meaning
11 to consumers and potential customers, in that consumers and potential customers
12 have come to associate the SONORA SANTANERA Mark with La Unica.

13 52. Defendants have infringed the SONORA SANTANERA Mark and
14 created a false designation of origin by using in commerce, without La Unica's
15 permission, the SONORA SANTANERA Mark and other confusingly similar
16 marks derived therefrom in connection with the advertising, marketing,
17 promotion, sale, and/or offer for sale of Defendants' music products and services.

18 53. Defendants' actions are likely to cause confusion and mistake, or to
19 deceive as to the affiliation, connection, or association of Defendants with La
20 Unica, and/or as to the origin, sponsorship, or approval of Defendants' products
21 and services or commercial activities, in violation of 15 U.S.C. § 1125(a).

22 54. La Unica is informed and believes, and based thereon alleges that
23 Defendants have acted with the intent to trade upon La Unica's reputation and
24 goodwill by causing confusion and mistake among customers and the public and
25 to deceive the public into believing that Defendants' music products and services
26 are associated with, sponsored by, or approved by La Unica, when they are not.

27 55. La Unica is informed and believes, and based thereon alleges that
28 Defendants had actual knowledge of La Unica's ownership and prior us rights of

1 the SONORA SANTANERA Mark and, without La Unica's consent, willfully
2 violated 15 U.S.C. § 1125(a).

3 56. Defendants, by their actions, have damaged La Unica in an amount to
4 be determined at trial.

5 57. Defendants, by their actions, have irreparably injured La Unica. Such
6 irreparable injury will continue unless Defendants are preliminarily and
7 permanently enjoined by this Court from further violating La Unica's rights, for
8 which La Unica has no other adequate remedy at law.

9 **VI. FOURTH CLAIM FOR RELIEF**

10 **(Trademark Dilution Under 15 U.S.C. 1125(c))**

11 **(Against All Defendants)**

12 58. La Unica hereby repeats, realleges, and incorporates by reference
13 paragraphs 1-57 of this Complaint as though fully set forth herein.

14 59. La Unica owns a federal trademark registration for the SONORA
15 SANTANERA Mark.

16 60. La Unica's SONORA SANTANERA Mark is distinctive, famous,
17 and widely recognized by the relevant consuming public in the United States as a
18 designation of source of music made by La Unica and its band members.

19 61. Defendants are using the SONORA SANTANERA Mark and marks
20 closely resembling La Unica's SONORA SANTANERA Mark in the same
21 classes of goods and services as La Unica.

22 62. Defendants' use of the SONORA SANTANERA Mark in connection
23 with music performances, music record sales and distributions, and music
24 promotion is likely to cause dilution by blurring by impairing the distinctive
25 quality of La Unica's SONORA SANTANERA Mark in violation of Section 43(c)
26 of the Lanham Act, 15 U.S.C. 1125(c).

27 63. Defendants' use of the SONORA SANTANERA mark in connection
28 with music performances, music record sales and distributions, and music

1 promotion is likely to cause dilution by tarnishment by harming the reputation of
2 La Unica's SONORA SANTANERA Mark in violation of Section 43(c) of the
3 Lanham Act, 15 U.S.C. 1125(c).

4 64. Defendants' use of the SONORA SANTANERA Mark in connection
5 with music performances, music record sales and distributions, and online
6 advertising and promotion of music products and services also constitutes
7 contributory dilution by blurring and contributory dilution by tarnishment because
8 Defendants' work with venues, promoters, and others who then use the SONORA
9 SANTANERA Mark themselves to advertise, resell, distribute, and promote their
10 music to audiences and consumers.

11 65. Defendants' willful and wrongful conduct has caused and is
12 continuing to cause irreparable harm to La Unica for which La Unica has no
13 adequate remedy at law. Defendants have been unjustly enriched and La Unica's
14 SONORA SANTANERA Mark has been damaged on account of the unlawful
15 conduct of the Defendants.

16 **VII. FIFTH CLAIM FOR RELIEF**

17 **(Unfair Competition under California Business & Professions**

18 **Code §§ 17200 *et seq.*)**

19 **(Against All Defendants)**

20 66. La Unica hereby repeats, realleges, and incorporates by reference
21 paragraphs 1-65 of this Complaint as though fully set forth herein.

22 67. This is an action for unfair competition under California Business &
23 Professions Code §§ 17200, *et seq.*

24 68. By virtue of the acts complained of herein, Defendants have
25 intentionally caused a likelihood of confusion among consumers and the public
26 and has unfairly competed with La Unica in violation of Cal. Bus. & Prof. Code
27 §§ 17200, *et seq.*

28 69. Defendants' acts complained of herein constitute trademark

1 infringement, unfair competition, and unlawful, unfair, or malicious business
2 practices, which have injured and damaged La Unica.

3 70. Defendants, by their actions, have irreparably injured La Unica. Such
4 irreparable injury will continue unless Defendants are preliminarily and
5 permanently enjoined by this Court from further violating La Unica's rights, for
6 which La Unica has no other adequate remedy at law.

7 **VII. SIXTH CLAIM FOR RELIEF**

8 **(California Common Law Unfair Competition)**

9 **(Against All Defendants)**

10 71. La Unica hereby repeats, realleges, and incorporates by reference
11 paragraphs 1-70 of this Complaint as though fully set forth herein.

12 72. Defendants' acts complained of herein constitute trademark
13 infringement and unfair competition under the common law of the State of
14 California.

15 73. By virtue of the acts complained of herein, Defendants have willfully
16 and intentionally caused a likelihood of confusion among the purchasing public
17 in California, thereby unfairly competing with La Unica in violation of the
18 common law of the State of California.

19 74. Defendants' aforementioned acts have damaged La Unica in an
20 amount to be determined at trial.

21 75. Defendants have irreparably injured La Unica. Such irreparable
22 injury will continue unless Defendants are preliminarily and permanently enjoined
23 by this Court from further violating La Unica's rights, for which La Unica has no
24 adequate remedy at law.

25 76. Defendants' willful acts of unfair competition under California
26 common law constitute fraud, oppression and malice. Accordingly, La Unica is
27 entitled to exemplary damages pursuant to Cal. Civ. Code Section § 3294(a).

PRAYER FOR RELIEF

WHEREFORE, La Unica prays for judgment against Defendants as follows:

A. That the Court render a final judgment in favor of La Unica and against Defendants on all claims for relief alleged herein;

B. That the Court render a final judgment that Defendants have willfully violated the provisions of 15 U.S.C. § 1114 by infringing La Unica's trademark rights in at least the mark that is the subject of La Unica's U.S. '958 Trademark Registration.

C. That the Court render a final judgment that Defendants have violated the provisions of 15 U.S.C. § 1125(a) by willfully infringing the SONORA SANTANERA Mark by using a false designation of origin, through the marketing, sale, licensing, and promotion of Defendants' products and services;

D. That the Court render a final judgment declaring that Defendants have violated California Business and Professions Code §§ 17200, *et seq.* by unfairly competing with La Unica;

E. That the Court render a final judgment declaring that Defendants have violated California common law by unfairly competing with La Unica;

F. That Defendants, their agents, servants, employees, attorneys, successors, and assigns, and all other persons in active concert or participation with Defendants be enjoined from:

i. unlawfully licensing the SONORA SANTANERA Mark to other music performers in the United States;

ii. using the SONORA SANTANERA Mark and any other mark that is confusingly similar to the SONORA SANTANERA Mark in connection with the advertisement, marketing, promotion, licensing, sale, or offer for sale of Defendants' music products and services, including, but not limited to album sales and music performances;

iii. using the SONORA SANTANERA Mark or any confusingly similar mark in any manner that is likely to create the impression that Defendants' products and services originate from La Unica, are endorsed by La Unica, or are connected in any way with La Unica or its band members;

iv. filing any applications for registration of the SONORA SANTANERA Mark or marks derived therefrom, and any trademarks including "SONORA SANTANERA" or any other mark that is confusingly similar to the SONORA SANTANERA Mark;

v. falsely designating the origin of Defendants' products and services;

vi. unfairly competing with La Unica in any manner whatsoever;

vii. causing a likelihood of confusion with or injury to La Unica's brand and business reputation; and

viii. pursuing cancellation proceedings to cancel La Unica's '958 Trademark Registration with the Trademark Trial and Appeal Board, one of which is currently pending.

18 G. That Defendants be directed to file with this Court and serve on La
19 Unica within thirty (30) days after the service of the injunction, a report, in
20 writing, under oath, setting forth in detail the manner and form in which they have
21 complied with the injunction pursuant to 15 U.S.C. § 1116;

22 H. That Defendants be required to account to La Unica for any and all
23 profits derived by Defendants by virtue of Defendants' acts complained of herein;

24 I. That Defendants be ordered to pay La Unica all damages which La
25 Unica has sustained as a consequence of the acts complained of herein, subject to
26 proof at trial, together with prejudgment and post-judgment interest;

27 J. That this case be deemed exceptional and the amount of damages
28 be trebled and that the amount of profits be increased by as many times as the

1 Court deems appropriate, pursuant to 15 U.S.C. § 1117;

2 K. That La Unica be awarded exemplary damages from Defendants
3 pursuant to Cal. Civ. Code. § 3294;

4 L. That Defendants' actions be deemed willful;

5 M. That an award of reasonable costs, expenses, and attorneys' fees be
6 awarded to La Unica pursuant to at least 15 U.S.C. § 1117;

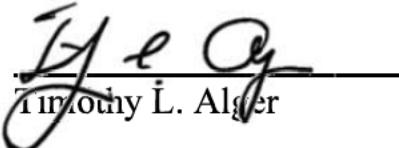
7 N. That Defendants be required to deliver and destroy all devices,
8 literature, advertising, goods, records, sound recordings, and other unauthorized
9 materials bearing or including the SONORA SANTANERA and/or mark
10 modified therefrom bearing the SONORA SANTANERA Mark, or any
11 confusingly similar marks, pursuant to 15 U.S.C. § 1118;

12 O. That La Unica be awarded restitution and disgorgement; and

13 P. That La Unica be awarded such other and further relief as this Court
14 may deem just.

15
16 Dated: March 11, 2025

HARRIS SLIWOSKI LLP

17 By: 
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Timothy L. Alger

19 Attorneys for Plaintiff

20 La Unica International Sonora Santanera S.
21 de R.L.

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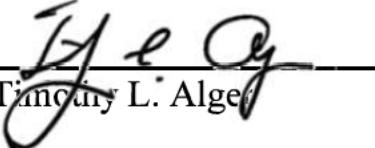
1 **DEMAND FOR TRIAL BY JURY**

2 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff La
3 Unica Internacional hereby demands a trial by jury on all issues so triable.

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5 Dated: March 11, 2025

HARRIS SLIWOSKI LLP

6 By: 

7 Timothy L. Alger

8 *Attorneys for Plaintiff*

9 La Unica International Sonora Santanera,
S. DE. R.L.

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